

LASONYA MOORE, )  
)  
*Plaintiff,* )  
)  
v. )  
)  
UCAR CARBON COMPANY, INC. )  
)  
*Defendant.* )  
)

Case No. 4:08-cv-48  
Judge Mattice

Defendant's Motion to Dismiss, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1406(a), is presently before the Court. [Court Doc. 7]. Defendant contends dismissal is appropriate because both of the parties reside in Lawrence County, Tennessee, which is within the federal judicial district comprising the Middle District of Tennessee.

Under all the facts and circumstances, the Court concludes that rather than dismissing Plaintiff's *pro se* complaint, as Defendant urges, it is in the interest of justice rather to transfer this case to the appropriate federal judicial district in which it could

have been brought. 28 U.S.C. § 1406(a); *Kimble v. Cheatham County Jail*, No. 4:09-cv-47, 2009 U.S. Dist. LEXIS 44574, at \* 1 (E.D. Tenn. May 28, 2009). Therefore, Defendant's Motion to Dismiss [Court Doc. 7] is **DENIED**. This case will be **TRANSFERRED** to the United States District Court for the Middle District of Tennessee, Columbia Division.

SO ORDERED this 21<sup>st</sup> day of August, 2009.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE